

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EXHIBIT

9

SHERRY SUTTON-PRICE,)	
JEANNA STAHL,)	
)	
on behalf of themselves and all)	
others similarly situated)	
)	
Plaintiffs,)	
)	
v.)	Cause No. 4:11-CV-01943-CEJ
)	
DAUGHERTY SYSTEMS, INC.,)	
)	
Defendant.)	

**NOTICE OF YOUR RIGHT TO OPT-IN TO LAWSUIT AGAINST
DAUGHERTY SYSTEMS, INC.**

TO: All current and former Product Specialists, Technical Analysts, Senior Technical Analysts, Implementation Specialists, Data Analysts, Business Analysts, Software Engineers, and/or Quality Analysts within the Mobile Solutions Group of Daugherty Systems, Inc. Within the Last Three (3) Years

RE: Fair Labor Standards Act (FLSA) Lawsuit Filed Against Daugherty Systems, Inc.

**TO OPT-INTO THIS LAWSUIT, YOU MUST ACTUALLY SIGN THE ATTACHED
CONSENT FORM AND RETURN IT TO PLAINTIFFS' COUNSEL.**

INTRODUCTION

The purpose of this Notice is (1) to inform you of a collective action lawsuit, (2) to advise you of how your rights may be affected by this lawsuit, and (3) to instruct you on the procedure for joining this lawsuit should you choose to do so. This notice and its contents have been authorized by the U.S. District Court, Eastern District of Missouri, Honorable Judge Carol E. Jackson.

DESCRIPTION OF THE LAWSUIT

A lawsuit has been filed against Daugherty Systems, Inc. (hereinafter "Daugherty") by Sherry Sutton-Price and Jeanna Stahl on behalf of themselves and all other Mobile Solutions Group employees who have performed work for Daugherty in the roles of Product Specialist, Technical Analyst, Senior Technical Analyst, Implementation Specialist, Data Analyst, Business Analyst, Software Engineer, and/or Quality Analyst in the past three (3) years without receiving

overtime compensation at a rate of time and a half for hours worked in excess of forty (40) in a single workweek. This group encompasses Daugherty employees who worked at the Tier 2 Helpdesk and Installation Teams within the Support subdivision of Daugherty's Mobile Solutions Group, performed work for Daugherty within the past three (3) years, and were not properly compensated for overtime for all hours worked in excess of forty (40) in a single workweek.

Daugherty denies it violated the FLSA, or that any wages are owed, and are defending all claims asserted against it.

WHOM DOES THIS LAWSUIT AFFECT?

Plaintiffs performed IT support duties in the Mobile Solutions Group for Daugherty. Plaintiffs seek to sue on behalf of themselves and others similarly situated. Specifically, they seek to sue on behalf of any individuals who meet the following requirements:

- (a) Performed IT support duties in the Mobile Solutions Group in the roles of Product Specialist, Technical Analyst, Senior Technical Analyst, Implementation Specialist, Data Analyst, Business Analyst, Software Engineer, and/or Quality Analyst for Daugherty at any time since [insert date 3 years prior to date of this notice] to the present; and
- (b) Did not receive overtime compensation at a rate of time and a half for hours worked in excess of forty (40) in a single workweek.

Plaintiffs contend that this work must be compensated under the FLSA's overtime requirements. Daugherty contends its employees have been compensated in accordance with the law.

NO OPINION EXPRESSED AS TO MERITS OF THE CASE

This notice is for the sole purpose of determining the identity of those persons who wish to be involved in the claim for violations of the FLSA. The United States District Court for the Eastern District of Missouri expresses no opinion regarding the merits of the claims made by Sherry Sutton-Price and/or Jeanna Stahl, or the defenses of Daugherty. There is no assurance at this time that any relief will be granted nor, if granted, the nature and amount of relief.

HOW AND WHEN TO JOIN THE LAWSUIT

If you fit the definition above, you may choose to join this action by mailing, faxing, or emailing the attached Consent Form to the address, fax number or email address listed below for filing with the Court. Your Consent Form must be received by Plaintiffs' counsel on or before [insert 90 days after date of notice] for you to participate in this case. Mail, fax, or email the Consent Form to:

**Daugherty Systems, Inc. Wage and Hour Litigation
c/o Law Offices of Kevin J. Dolley, LLC
34 N. Brentwood Blvd., Suite 207
St. Louis, Missouri 63105
Fax: (314) 647-4300
Email: kevin@dolleylaw.com**

A self-addressed, stamped envelope is enclosed for your convenience.

FURTHER INFORMATION

If you want further information about this lawsuit, you may call Plaintiff's attorney, Kevin Dolley, at (314) 645-4100.

STATUTE OF LIMITATIONS

The FLSA has a maximum statute of limitations of three (3) years. If you choose to join this action, you may be able to recover damages if, within the three (3) years preceding the date your Consent Form is filed, Daugherty failed to provide you overtime for hours worked in excess of forty (40) in any single workweek. If you choose not to join this action or file your own action, some or all of your potential claims may be barred by the applicable statute of limitations.

NO RETALIATION PERMITTED

The law prohibits retaliation against employees for exercising their rights under the FLSA. It is in complete violation of the law and public policy for an employer to terminate an employee for exercising their rights under the FLSA. Thus, Daugherty is prohibited from terminating you or retaliating against you in any manner because you choose to participate.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this case by filing a Consent Form, your interests will be represented by Plaintiffs' attorneys:

Kevin J. Dolley
LAW OFFICES OF KEVIN J. DOLLEY, LLC
34 N. Brentwood Blvd., Ste. 207
St. Louis, MO 63105
Telephone: (314) 645-4100
Fax: (314) 647-4300
kevin@dolleylaw.com
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Plaintiffs' attorneys have taken this case on a contingency basis. They may be entitled to receive attorneys' fees and costs from Daugherty should there be a recovery or judgment in favor

of Plaintiffs. If there is a recovery, Plaintiffs' attorneys will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' attorneys will not seek any attorney's fees or costs from any of the Plaintiffs.

SEE ATTACHED PLAINTIFF CONSENT FORM